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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
VENETIA KAPERNEKAS,

Plaintiff,

-against-

UDO FRITZ-HERMANN BRANDHORST  
and THE BRANDHORST FOUNDATION

Defendants.  
-----X

**NOTICE OF MOTION**

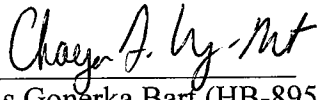
No. 08-CV-4046 (JSR)

PLEASE TAKE NOTICE THAT, pursuant to the oral order of the Court, dated May 20, 2008, and pursuant to Rule 2(d) of the Court's Individual Local Rules of Practice, defendants UDO FRITZ-HERMANN BRANDHORST and THE BRANDHORST FOUNDATION will move this Court, on or before July 10, 2008 at 5:00 p.m., or as soon thereafter as counsel can be heard, before the Honorable Jed S. Rakoff, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order pursuant to Fed. R. Civ. P. 12(b)(1), (2), (4), (5), and (6), dismissing the complaint against the defendants with prejudice and in its entirety for lack of personal jurisdiction (The Brandhorst Foundation), sovereign immunity (The Brandhorst Foundation), insufficient process and service of process (The Brandhorst Foundation), failure to state a claim (all defendants), and failure to comply with the statute of limitations (all defendants), and for such other and further relief as the Court shall deem just and proper;

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the oral scheduling order issued by the Court on May 20, 2008, defendants' Moving Papers shall be served and filed on June 11, 2008, plaintiffs' opposition shall be served and filed on June 25, 2008, defendants' reply papers shall be served and filed on July 2, 2008, and oral argument shall be held on July 10, 2008 at 5:00 p.m.

Dated: New York, New York  
May 22, 2008

Withers Bergman LLP

By:   
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